

# Translation

## PATENT COOPERATION TREATY

PCT/JP2003/008599



# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02P00951 PC	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/008599	International filing date (day/month/year) 07 July 2003 (07.07.2003)	Priority date (day/month/year) 05 July 2002 (05.07.2002)
International Patent Classification (IPC) or national classification and IPC H01L 51/00, 29/786, 45/00, 27/10		
Applicant FUJI ELECTRIC CO., LTD.		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 3 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
  - ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:
    - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:
  - ☒ Box No. I Basis of the report
  - ☐ Box No. II Priority
  - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Box No. IV Lack of unity of invention
  - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Box No. VI Certain documents cited
  - ☐ Box No. VII Certain defects in the international application
  - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 30 January 2004 (30.01.2004)	Date of completion of this report 01 October 2004 (01.10.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/008599

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ 1-2, 4-12, 14-84 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ 3, 13 \_\_\_\_\_ received by this Authority on \_\_\_\_\_ 05 August 2004 (05.08.2004)
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages \_\_\_\_\_ 2-19 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ 1 \_\_\_\_\_ received by this Authority on \_\_\_\_\_ 05 August 2004 (05.08.2004)
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- pages \_\_\_\_\_ 1/22-22/22 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/JP 03/08599

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-19	YES
	Claims		NO
Inventive step (IS)	Claims	2, 3, 6-19	YES
	Claims	1, 4, 5	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

### 2. Citations and explanations

Document 1: WO 02/37500 A1 (The Regents of The University of California), 10 May 2002

Document 2: Ma, L.P. et al., "Organic electrical bistable devices and rewritable memory cells", Applied Physics Letters, 22 April 2002, Vol. 80, No. 16, pages 2997 to 2999

Document 3: Ma, L.P. et al., "Data storage with 0.7nm recording marks on a crystalline organic thin film by a scanning tunneling microscope" Applied Physics Letters, 10 August 1998, Vol. 73, No. 6, pages 850 to 852

#### Claims 1, 4 and 5

The invention set forth in claims 1, 4 and 5 does not involve an inventive step in the light of document 3.

A person skilled in the art could apply the compound set forth in document 3 known as a bistable material to a switching element as necessary.

#### Claims 2, 3 and 6 to 19

The invention set forth in claims 2, 3 and 6 to 19 involves an inventive step in relation to documents 1 to 3 cited in the international search report.